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R277. Education, Administration.

**R277-472. Charter School Student Enrollment and Transfers and
School District Capacity Information.**

R277-472-[2]1. Authority and Purpose.

~~[A.]~~ (1) This rule is authorized ~~[under]~~by:

(a) Utah Constitution Article X, Section 3, which vests
general control and supervision over public education in the
Board;

(b) Subsection 53A-1a-506.5(2), which directs the Board
to make rules for:

(i) a student transferring between a charter school
and a district school; and

(ii) enrolling and withdrawing from a charter school;
and

(c) Subsection 53A-1-401(3), which allows the Board to
adopt rules in accordance with its responsibilities.

~~[B.]~~ (2) The purpose of this rule is to:

(a) provide procedures for a student transferring
between a district ~~[public]~~ school and a charter school;

(b) ~~[to]~~ define capacity in a district ~~[public]~~ school
to allow for a transfer into a district school from a
charter school; and

(c) ~~[to]~~ provide notice to a parent and a student
of a school that has space available.

R277-472-[1]2. Definitions.

~~[A. "Board" means the Utah State Board of Education.]~~

(1) "Admitted student" means a student who:

(a) is selected through:

(i) a charter school lottery; or

(ii) a charter school application process if a lottery is

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not required;

(b) is officially notified of admission consistent with the charter school enrollment policy; and

(c) accepts enrollment at the charter school consistent with the charter school enrollment policy.

~~[B.]~~ (2) (a) Except as provided by Subsection (2) (b), "[B]below capacity" means:

(i) ~~[at the]~~for an elementary grade level or program ~~[and]or secondary grade level or program["making the grade level available for transfer students from charter schools outside of the window provided for in Subsection 53A-1a-506.5(3) is established if the]~~ a grade level or program is less than 100~~[percent]~~% of the district, school, or grade level average~~[-]~~;

(~~[+]~~ii) for ~~[A]~~a special program, ~~[is "below capacity" or available for transfer students from charter schools if]~~ the number of assigned students is less than the designated number of students determined by valid, research-based, or federally established standards~~[-]~~; and

(~~[2]~~iii) for ~~[A]~~an ~~[entire]~~elementary or secondary school, ~~[is "below capacity" if the district determines that]~~ the average class size~~[, using calculations of classes and courses in R277-472-3,]~~ is less than 100~~[percent]~~% of the district elementary or secondary average class size.

(b) "Below capacity" does not mean a school, grade level, course, or program that is less than 100% of the average described in Subsection (2) (a) for which a school community council designates more than one-half of a school's school LAND trust annual allotment to reduce the class size of a school, grade level, course, or program.

(3) "Core course" means a language arts, mathematics, or science course in seventh through twelfth grade that is

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63 typically taught multiple times in a school day.

64 ~~[C.]~~ (4) (a) "Elementary ~~[(K-6)]~~ class size" means the
65 number of students with a primary assignment to a specific
66 teacher in kindergarten through sixth grades.

67 ~~[(1) An extended day class in which a portion of the~~
68 ~~class arrives early and the other portion stays late shall be~~
69 ~~counted as one class.]~~

70 ~~[(2)]~~ (b) "Elementary class size" ~~[shall]~~ includes a ~~[[~~
71 ~~special education]~~ student ~~[s]~~ with a disability who
72 participates in all or part of the school day ~~[excluding~~
73 ~~those]~~ unless the student ~~[s]~~ is assigned to a self-contained
74 special education class ~~[es]~~.

75 ~~[D.]~~ (5) "Secondary ~~[(7-12)]~~ class size" means the
76 secondary school's calculation for ~~[each language arts,~~
77 ~~mathematics, and science course that is typically taught~~
78 ~~multiple times in the school day, such as 8th grade English,~~
79 ~~Algebra 1, Earth Systems]~~ a core course.

80 **R277-472-3. Class Size Calculations.**

81 ~~[A.]~~ (1) (a) ~~[Elementary class size: Each]~~ A school district
82 ~~[(or school as determined by the school district)]~~ shall
83 calculate an average elementary class size for each grade
84 level ~~[. Schools shall derive this calculation from]~~ by
85 dividing the total number of students in a ~~[given]~~ grade
86 ~~[divided]~~ by the number of full time licensed teachers
87 assigned to ~~[that]~~ the grade.

88 (b) A school district shall count an extended day class
89 as one class if a portion of the students arrive to the class
90 early and the other portion of the students stay in the class
91 later.

92 ~~[(1)]~~ (c) A ~~[\$]~~ school ~~[s shall]~~ district may not count a
93 student ~~[s]~~ assigned to multiple grade level classes ~~[(and~~

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~~their respectively assigned teachers) in determining]~~ in calculating average elementary class size for a grade level.

(~~[2]~~d) A[s] school[s] district shall calculate an elementary class[es] that groups students in a program[s] other than by grade level, such as gifted and talented or English Learner program[s], as a class if a student[s] participates for the entire instructional day.

(~~[a]~~i) If a school[s] district counts a student[s] that who participates in a special program[s] for part of the school day, the school[s] shall count the student[s] as part of the[ir] student's age-appropriate grade level, [†]together with [respective]the **student's** teacher[s] for purposes of this calculation].

(~~[b]~~ii) If multiple classes of special programs exist, [†]including self-contained special education classes[†], a school shall determine an average class size for special programs consistent with state, federal, and program standards.

~~[B.]~~ (2) ~~[Elementary school size: Each]~~ A school district [†(or school)] shall calculate an elementary school-wide average elementary class size by dividing the total full time teachers assigned to direct teaching situations by the total number of students receiving instruction.

~~[†] Schools shall not include self-contained special education students and teachers in this calculation.~~

~~— (2) Schools shall include all other special education students and teachers.]~~

~~[C.]~~ (3) ~~[Secondary average class size: Each]~~ A school district [†(or secondary school as determined by the district)] shall calculate an average secondary class size for [each language arts, mathematics and science course that is taught multiple times during a typical school day]a core course by

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126 dividing the total number of full time teachers assigned to
127 direct teaching situations by the total number of students
128 enrolled.

129 ~~[(1) Schools shall not include self-contained special~~
130 ~~education] students and teachers in this calculation.]~~

131 ~~[(2) Schools shall include all special education~~
132 ~~students, other than full-time self-contained students, in the~~
133 ~~calculation.]~~

134 (4) In making a calculation required by Subsection (2) or
135 (3), a school district:

136 (a) may not include a student with a disability who is in
137 self-contained placement nor the student's teacher; and

138 (b) shall include a student with a disability who is not
139 in self-contained placement and the student's teacher.

140 ~~[D.]~~ (5) (a) ~~[District average:]~~ Each school district shall
141 calculate the district-wide average class size for:

142 (i) [each] a grade level[7];

143 (ii) [each] an elementary program that enrolls students
144 across grade levels; and

145 (iii) [for each language arts, mathematics, and science] a
146 core course.

147 ~~[(1)b]~~ A [S] school district[s] shall derive the
148 calculation required by Subsection (5)(a) by dividing the
149 total number of full time teachers ~~[(FTEs)]~~ assigned to direct
150 teaching situations by the total number of fully enrolled
151 students.

152 ~~[(2)c]~~ A [S] school district[s] shall derive all
153 calculations using October 1 enrollment and employment data.

154 ~~[E.]~~ (6) (a) ~~[In a]~~ A school district with only one
155 elementary or secondary school, or only one class of any
156 subject or grade level, ~~[school districts]~~ may calculate the
157 average class size for an entire school or the entire school

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district by averaging all the classes in the school or the school district.

(b) ~~[The]~~ A school district described in Subsection (6) (a) may ~~[then]~~ determine that a ~~[ny]~~ class size less than the school district or school average class size is below capacity.

(7) A school district may require a school to make a calculation described in this section.

R277-472-4. School District School Capacity Information.

~~[A.] A [S] school district[s] shall [provide and] post the following information [to facilitate transfer of students] on the school district or school website[s] to facilitate the transfer of a student:~~

(1) ~~an [E] elementary school[s] within the school district that [are] is below capacity [and available for transfer students];~~

(2) ~~a [G] grade level[s and] or special program[s] within an elementary school[s] that [are] is below capacity [and available for transfer students];~~

(3) ~~a [S] secondary school[s] that [are] is below capacity [and available for transfer students based on calculated capacity of language arts, science and mathematics]; and~~

(4) ~~a [S] special program[s] within a secondary school[s] that [are] is below capacity [and available for transfer students].~~

~~[B. Below capacity standards for individual schools, grade levels, courses or programs do not apply if a school has documentation that the school community council in a public meeting has designated more than one half of a school's school LAND trust annual allotment to reduce class size in a specific school, grade level, program or course.]~~

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189 **R277-472-5. Application Procedures for Students Entering and**
190 **Exiting Charter Schools.**

191 ~~[A.]~~ (1) ~~[Each]~~ A charter school shall post on its website
192 information and procedures ~~[required under]~~ described in
193 Subsection 53A-1a-506.5(2).

194 ~~[B.]~~ (2) ~~[Each]~~ A charter school shall develop and post on
195 its website admissions procedures for the charter school
196 including:

197 ([1]a) ~~[E]~~ lottery dates and procedures;

198 ([2]b) ~~[A]~~ admission forms;

199 ([3]c) the ~~[S]~~ school calendar;

200 ([4]d) ~~[N]~~ non-discrimination assurances;

201 ([5]e) ~~[A]~~ a clear explanation, including timelines
202 required ~~[in the law]~~ by statute, rule, and [provided in
203 ~~individual]~~ charter school polic[ies]y, of student transfer
204 procedures from a charter school to another charter school or
205 to a district school;

206 ([6]f) ~~[A]~~ a readily accessible transfer form; and

207 ([7]g) an admitted student ~~[A]~~ assurance and parent
208 signature ~~[that student has been admitted to only one public~~
209 ~~school]~~ form.

210 **R277-472-6. Enrollment of Transferring Charter School**
211 **Students in District Schools.**

212 ~~[A.]~~ (1) A school district shall enroll as soon as
213 possible, but no later than two weeks after specific formal
214 parental request, a student ~~[who]~~ in a school district that is
215 below capacity if the student:

216 (a) is a resident of a school district~~[, who]~~;

217 (b) desires to transfer from a charter school to the
218 resident school after June 30; and

219 (c) ~~[who]~~ submits enrollment information consistent with

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~~[all school district students in a district school that is below capacity]~~ Subsection (2).

~~[B. Schools may limit students who are transferring from a charter school to a district school after June 30 for the upcoming school year to schools, grade levels, programs and courses that have space available or are below capacity at the district schools.]~~

~~[C.]~~ (2) A school district ~~[shall]~~ may not require an enrollment procedure~~[s]~~ or a form~~[s]~~ from a student~~[s]~~ moving from a charter school to a district school that differs in any way from an enrollment procedures~~[/]~~ or form~~[s]~~ required for a district student~~[s]~~ if the charter school student~~[s are]~~ is leaving a charter school after the final grade level offered by the charter school.

~~[D.]~~ (3) A ~~[P]~~parent~~[s/]~~ of a ~~[S]~~student~~[s]~~ who ~~[are]~~ is enrolled at a charter school~~[s]~~ and ~~[are]~~ is seeking enrollment at a district school~~[s]~~ should check with the school district office, + or school principal if designated by the school district~~[+]~~, + for official current capacity information about a school~~[s]~~, grade level~~[s]~~, program~~[s]~~, + or course~~[s]~~ before leaving a charter school and forfeiting a charter school enrollment right.

~~[E.]~~ (4) If a school changes the location of a service~~[s]~~ for a student with a disability~~[ies]~~, y, the new location may only be considered a change of placement as determined by the student's IEP and consistent with ~~[the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400, Part B]~~.

~~[F. Consistent with Section 53A-11-904(3), schools may deny enrollment to students in a public school if they have been expelled from another public school.]~~

~~[G.]~~ (5) A ~~[S]~~school~~[s]~~ may deny a student's~~[+]~~ enrollment in a public school if the~~[y]~~ student leaves a public school

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252 with a disciplinary procedure~~[s]~~ pending at ~~[the]~~a previous
253 ~~[Utah]~~public school in the state until the previous
254 allegations have been resolved.

255 ~~[H. Charter schools and district schools shall notify~~
256 ~~each other of student enrollment consistent with Section 53A-~~
257 ~~1a-506.5(4).]~~

258 **KEY: charter schools, students, transfers**

259 **Date of Enactment or Last Substantive Amendment: ~~[August 7,~~**
260 **~~2014]~~2015**

261 **Notice of Continuation: June 10, 2014**

262 **Authorizing, and Implemented or Interpreted Law: Art X, Sec**
263 **3; 53A-1a-506.5(2); 53A-1-401(3)**